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Erie County Comptroller Mark C. Poloncarz says he will pay the new county attorney what the Legislature authorized, not what the county executive promised.  
Derek Gee/Buffalo News file photo

## \$150,000 for attorney? Poloncarz balks

### **Despite Collins' promise, county comptroller says he'll sign off on \$99,226 and no more**

By Matthew Spina

Published: March 8, 2011, 11:10 PM

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Updated: March 8, 2011, 11:11 PM

Erie County Comptroller Mark C. Poloncarz, who signs the county's checks, says he will pay the new county attorney only the Legislature-authorized \$99,000 a year, not the \$150,000 that the county executive promised.

"Our office disagrees with the county executive's assertion that he can unilaterally set the rate of pay for the attorney in any amount of his choosing," Poloncarz said Tuesday.

He said his office will process Jeremy A. Colby's paychecks only if calculated at an annual salary of \$99,226 -- the amount county lawmakers allowed when they adopted the Erie County budget for 2011.

As expected, the county executive's team disagrees with Poloncarz.

"Once again, it appears Mr. Poloncarz needs to be reminded what his job is," said Grant Loomis, a spokesman for County Executive Chris Collins.

He said the county Personnel Department -- which the county executive controls -- sets pay rates, not the comptroller.

But a Poloncarz aide countered by saying the comptroller issues the county's checks. And until the matter is resolved, Poloncarz sees no way to pay Colby, a Lancaster resident, more than \$99,226 a year.

During his recent confirmation hearing, Colby said he was expecting the \$150,000 a year that Collins offered. He said he didn't think the amount was too much for the chief legal counsel of a \$1 billion entity and mentioned that he made more as a partner with the Webster Szanyi law firm.

The 12 county lawmakers attending a special session Tuesday, Colby's first day, confirmed him as the new county attorney.

He succeeds Cheryl A. Green, who resigned last summer as head of the Law Department, which defends the government from a host of claims, processes contracts and runs legal interference for elected leaders, especially the county executive.

Here's how the latest county drama began in the weeks before Colby was hired:

- \* In drafting his 2011 budget, Collins set the salary at \$150,000, arguing he needed to offer that much to draw a well-qualified attorney. Taxpayers had paid Green about \$125,000 a year.

- \* As the Legislature reviewed the budget, a majority of lawmakers cut the amount to the level that the county's pay grades establish for a starting county attorney: \$99,226.

- \* The county executive, who under county rules cannot veto a Legislature's cuts in spending, declared the cut to the county attorney's salary "null and void." To Collins, the cut violated a legal technicality so he shouldn't have to follow it.

He lost on that argument and the arguments that supported his other "null and void" declarations when Legislature Democrats took him to court to require him to follow their budget decisions.

State Supreme Court Justice Joseph R. Glowonia recently agreed to hear the Collins case again because the first court arguments were hastily arranged during the budget-adoption maelstrom. However, Glowonia refused to set aside his ruling in the meantime. The Collins team says that it will appeal if he rules again that the County Charter does not allow a county executive to declare cuts null and void.

\* Meanwhile, Collins ignored much of Glowonia's decision -- and the Legislature's cuts -- when he set the 2011 property tax rate. He set the rate to collect nearly \$8 million more than the Legislature's budget required. That \$8 million includes the almost \$51,000 in dispute for the county attorney.

"The salary at \$150,000 is reflected in the tax levy," said Loomis, the Collins spokesman. Loomis noted Tuesday that Legislature Chairwoman Barbara Miller-Williams, D-Buffero, certified the property tax levy, one of the annual duties that come with the position.

With the court case expected to take months, Poloncarz has said that he is willing to discuss the matter further with Collins or his lawyers and that they would have at least several days to do so before Colby would receive his first check.

Collins also can ask the Legislature to alter the 2011 budget to allow the higher salary. The Legislature often goes along with midyear budget changes.

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## Comments

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**SORT:** **NEWEST FIRST** | OLDEST FIRST

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The law is the law. This is not some corporation that Collins bought at a fire sale. He can't just do whatever he wants. He just can't go declare anything he doesn't agree with null and void it does not work that way in a democratically elected government, it works that way in Iran, Saudi Arabia, Cuba and Venezuela, but not in Erie County. Good for Polencarz for following the law, this is what a comptroller is supposed to do. I can't believe that the county paid Green that much, I wonder if the legislature lowered the salary so she wouldn't be tempted to crawl back to her old job.

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**JEREMY LEWIS, BUFFALO, NY** on Wed Mar 9, 2011 at 08:20 AM

FLAG AS INAPPROPRIATE

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WOW! Mr. Polancarz should run for county executive, I'm sure we would see a difference in the funding of the arts , libraries, etc. in Erie County.

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**BONNIE PIECZYNSKI, ELMA, NY** on Wed Mar 9, 2011 at 08:19 AM

FLAG AS INAPPROPRIATE

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it seems wages like this are only fair for chris collins hand picked friends, the rest of the working people have to take cuts so he can prance around and pound his chest what a good job he's doing.

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**DAVE OLDREAD, BUFFALO, NY** on Wed Mar 9, 2011 at 06:15 AM

FLAG AS INAPPROPRIATE

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Why does King Collins constantly complain about the salaries of public employees and then try to raise the salaries of his inner circle? Vote this guy out.

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**CHRIS CERRONE, SPRINGVILLE, NY** on Wed Mar 9, 2011 at 06:11 AM

FLAG AS INAPPROPRIATE

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It's time for the County Exec.(Mr. Collins) to take a time out and go to the "Quiet Room" for reflection and inner guidance. If Mr. Collins would spend less time CONSTANTLY being engaged in Litigation of his own staff, perhaps more of the People's business would actually get accomplished. Buffalo seems to have more than it's fair share of colorful but idiotic leaders and they all seem to be making headlines this week, proving that point. Collins seems to be making a second career out of being an obstacle and a barrier to progress. Is it an unwritten rule of Politics and Leadership that one must possess an abundance of stupidity to get elected or achieve Executive level status here in Buffalo?? WHAT THE HELL IS WRONG WITH THESE PEOPLE?? How long would you stay in a job when the CEO is initiating lawsuits against his own staff on a fairly regular basis? With leadership like this Is it any wonder we still have no Plans for the Waterfront? How do these buffoons get out of their driveway in the morning?? So far this week, we have Crazy Carl, Jumpy Jimmy and now, Chris Collins. All three of these guys should go visit Charlie Sheen and start a Club or a sitcom or a reality show. I've got a solution. Hire Colby and pay him \$99,226. Ask the Judge to instruct Colby to come to a legal determination on the issue of setting the pay rate and tell Chris he can have that answer but it will cost him \$51,000. If Colby was making more than the \$99,226 in the private sector, he should have saved some money by now, so he won't miss the extra \$51k. Take the \$51,000 and immediately apply it to the County Medicaid bill. Tell Mark he's doing a great job and if I ever go into business, I want him as my CFO. The other guys can work in Maintenance.

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**MICHAEL WILLIAMS, BUFFALO, NY** on Wed Mar 9, 2011 at 05:14 AM

FLAG AS INAPPROPRIATE

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Ditto on what TODD HARIACZYI, WILLIAMSVILLE, NY said. He is definitely a poor excuse for a leader. Collins has to go... He is a waste. Note that extra money could help with the massive road repairs this county has. When is he going to fix the roads?

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**BARBARA LIPA, ELMA, NY** on Wed Mar 9, 2011 at 04:03 AM

FLAG AS INAPPROPRIATE

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Why is there anyone but those jacklegs and scissorbills stil left in Erie County? Let them tax each other to death.

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**DAVID BURKE, PANAMA CITY, FL** on Wed Mar 9, 2011 at 02:47 AM

FLAG AS INAPPROPRIATE

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I, for one, am growing tired of Chris Collins' blatant disregard of the laws of the land. He cannot simply disregard both the legislature and courts simply because he doesn't like the rules. It's called checks and balances, and it's meant to keep pompous tyrants such as himself in line. He's a poor excuse of a leader.

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**TODD HARIACZYI, WILLIAMSVILLE, NY** on Wed Mar 9, 2011 at 01:48 AM

FLAG AS INAPPROPRIATE

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